

March 23, 2017

Via Electronic Mail Only

Anne Littlejohn  
Senior Environmental Scientist  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670  
[anne.littlejohn@waterboards.ca.gov](mailto:anne.littlejohn@waterboards.ca.gov)

Re: Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Establish a Region-Wide Municipal and Domestic Supply (MUN) Beneficial Use Evaluation in Agriculturally-Dominated Surface Water Bodies

Dear Ms. Littlejohn:

Our firm, Somach Simmons & Dunn, represents the California Rice Commission (Rice Commission) on water quality matters before the Central Valley Regional Water Quality Control Board (Central Valley Water Board). On behalf of the Rice Commission, we have reviewed the Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Establish a Region-Wide Municipal and Domestic Supply (MUN) Beneficial Use Evaluation Process in Agriculturally-Dominated Surface Water Bodies and Remove the MUN Beneficial Use from 231 Constructed or Modified Ag Drains in the San Luis Canal Company District (Draft Amendments). The Rice Commission appreciates the Central Valley Water Board's efforts to address the unique issues associated with agriculturally-dominated surface water bodies, and generally supports the Draft Amendments that establish a streamlined process for evaluating the municipal and domestic (MUN) beneficial use as it applies to agriculturally-dominated water bodies.

However, the Draft Amendments raise a related issue that has long been of concern to the Rice Commission. Specifically, the Draft Amendments continue to perpetuate the misapplication of the water quality objective for thiobencarb as it is expressed in the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Sacramento-San Joaquin Rivers Basin Plan). We provide here comments requesting additional amendments to clarify the original intent and application of the thiobencarb water quality objective and the conditional prohibition associated with the objective.

Anne Littlejohn

Re: Amendments to Sacramento-San Joaquin River Basins WQCP re MUN Beneficial Use  
Evaluation in Agriculturally Dominated Surface Water Bodies

March 23, 2017

Page 2

The Sacramento-San Joaquin Rivers Basin Plan includes a pesticide water quality objective for thiobencarb that states as follows: “Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of thiobencarb in excess of 1.0 µg/L.” (Basin Plan, III-6.0.) The water quality objective specified here is equal to the Secondary Maximum Contaminant Level for thiobencarb, which is 0.001 mg/L (or 1.0 µg/L). Reference to the specific thiobencarb objective was adopted in 1990, along with other Basin Plan amendments, to implement the Rice Pesticides Program. The intent and purpose of the Rice Pesticides Program was to address concerns associated with certain rice pesticides and their impact on surface waters in the Sacramento Valley.<sup>1</sup> For thiobencarb in particular, the Rice Pesticides Program was designed to alleviate taste concerns in Sacramento River source water used by the City of Sacramento for drinking water. The Rice Pesticides Program continues today, and has resulted in compliance with the thiobencarb water quality objective in the Sacramento River.

Concurrent with adoption of the specific thiobencarb objective is the conditional prohibition on the discharge of thiobencarb unless the discharger is following management practices approved by the Central Valley Water Board. (Basin Plan, IV-25.00.) Again, as with the water quality objective, this conditional prohibition language was adopted to implement the Rice Pesticides Program to protect Sacramento River source waters used by the City of Sacramento for drinking water. At no time during the development of the Rice Pesticides Program, or its implementation over the last 27 years, have issues or concerns been raised with respect to thiobencarb being a constituent of concern outside of the Sacramento River watershed area.

Considering the original intent and purpose of the specific water quality objective for thiobencarb, and the fact that the secondary maximum contaminant level is set at the same level, it is appropriate as part of these Draft Amendments to delete the specific water quality objective of 1.0 µg/L for thiobencarb. Accordingly, we recommend that the thiobencarb water quality objective language be amended as follows:

~~“Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of thiobencarb in excess of 1.0 µg/L.”~~

At the very least, we recommend that this specific language be revised to reflect that it applies only in the Sacramento River Basin.

---

<sup>1</sup> See, e.g., State Water Resources Control Board Order No. 87-4, *In the Matter of the Petition of the City of Sacramento*, describing the concerns of the City of Sacramento and waters of the Sacramento River Basin.

Anne Littlejohn

Re: Amendments to Sacramento-San Joaquin River Basins WQCP re MUN Beneficial Use  
Evaluation in Agriculturally Dominated Surface Water Bodies

March 23, 2017

Page 3

We further recommend that the conditional prohibition language be modified to incorporate the original intent and purpose of this language as it was adopted with respect to the Rice Pesticides Program, which was to apply this prohibition to rice pesticide discharges in the Sacramento River Basin. Our amendments for the conditional prohibition language are as follows:

“Effective immediately for molinate and thiobencarb and on 1 January 1991 for carbofuran, malathion and methyl parathion, the discharge of irrigation return flows within the Sacramento River Basin containing these pesticides is prohibited unless the discharger is following a management practice approved by the Board. ... Also, the management practices as applied to the discharge of irrigation return flows within the Sacramento River Basin must ensure that discharges of thiobencarb to waters designated as municipal or domestic water supplies will comply with the 1.0 µg/L secondary maximum contaminant level ~~water quality objective~~ for this pesticide.”

The above amendments will ensure that the original intended scope of the Rice Pesticides Program, and application of the conditional prohibition, are properly codified within the Sacramento-San Joaquin Rivers Basin Plan. This will help to avoid confusion and unintended impacts going forward. Moreover, and as expressed above, these clarifications do not change the application of the secondary maximum contaminant level for thiobencarb for waterbodies outside of the Sacramento River Basin.

Because these suggested revisions are clarifications with respect to the original program, we do not consider them substantive changes but rather editorial, clarifying changes. Please contact me at (916) 446-7979 if you have questions.

Sincerely,



Theresa A. Dunham

cc: Tim Johnson  
Roberta Firoved

TAD/je